

Members

Sen. Connie Lawson, Chairperson
Sen. Sue Landske
Sen. Billie Breaux
Sen. Allie Craycraft
Rep. Kathy Richardson
Rep. Robert Behning
Rep. Thomas Kromkowski
Rep. Ed Mahern



CENSUS DATA ADVISORY COMMITTEE

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MEETING MINUTES¹

Meeting Date: October 5, 2005
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. Connie Lawson, Chairperson; Sen. Sue Landske; Sen. Billie Breaux; Sen. Allie Craycraft; Rep. Kathy Richardson; Rep. Robert Behning; Rep. Thomas Kromkowski; Rep. Ed Mahern.

Members Absent: None.

(1) Call to Order.

The Chair, Senator Lawson, called the meeting to order at 1:15 p.m.

(2) Introduction of Members.

The Chair dispensed with the introduction of members.

1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

(3) Discussion of Election Administration.

Staff distributed a document titled "Election Administration of Other States".² Staff told the Committee that the information contained in the document was obtained by looking at each state's government website and attempting to cross check the information by looking at the corresponding state's election laws. Staff said that in some cases, the information available from these sources was minimal or vague.

Committee members generally discussed the history of the formation of the Election Commission and the Election Division. Representatives Mahern and Kromkowski and Senators Breaux and Craycraft each stated that the system works adequately. Representative Kromkowski said that he supports maintaining the current requirements for political balance among Commission members and Election Division staff. Representative Mahern said that if an additional member is added to the Commission, the individual must be as independent as possible, should vote only in cases of a tie among the members, and should not be an elected official.

Representative Richardson stated that regardless of party affiliation, the secretary of state should break ties that occur on the Commission because the secretary of state is an elected official who is responsible to the people and is statutorily the state's chief election officer. Representative Behning expressed doubt that it is possible to find an individual to serve as a commission chair or a "tiebreaker" who does not have some partisan biases. He also disagreed with Representative Mahern's suggestion that the president of one of the state universities or an individual selected by the presidents of the state universities would be sufficiently nonpartisan. There was brief discussion among Committee members on this point.

At the Chair's direction, staff read the Commission's statutory duties to the Committee.³ The Chair asked Mr. Brad King and Ms. Kristi Robertson, the Co-Directors of the Election Division, about the workings of certain of the Commission's and Division's processes, such as how the Commission is convened when an issue arises, what happens procedurally in case of a tie vote on a matter before the Commission, and the administrative relationship between the Co-Directors.

Mr. King responded that when an issue arises, the Co-Director affiliated with the party of the Secretary of State would normally inform the Commission's chair who would call a Commission meeting. Mr. King and Ms. Robertson described how the process works using as an example a challenge to a candidate's placement on the ballot. The Co-Directors agreed that if there was a disagreement between them regarding the interpretation of a statute, the Division would not take action and the matter would be left to be resolved in the judicial system. Both

2. This document is Exhibit #1 to these Minutes.

3. Please see IC 3-6-4.1-14.

Ms. Robertson and Mr. King said that a disagreement on a matter is the exceptional circumstance.

Julia Vaughn, representing Common Cause of Indiana, stated her recollection of the creation of the current election administration process in Indiana during the 1995 Session. She said that her organization did not support the 1995 legislation because, among other reasons, it was anticipated that the Commission would deadlock on controversial matters.

Ms. Vaughn maintained that her organization's expectation has come true because experience has shown that when the Commission must make a decision of major significance, the process breaks down, issues remain unresolved, and election law goes unenforced. Ms. Vaughn suggested that the chairs of the major political parties are the real decision makers. She said the current administrative structure is dysfunctional and advocated that politics be removed from the process. Ms. Vaughn described some of the features that she considered necessary for sound administration of election law: Commission members should not currently be active in partisan politics. Lobbyists and political party officers should be unable to serve on the Commission. For these reasons, the Secretary of State should not be a Commission member.

The Chair said that the Committee may continue the discussion of this topic at the next meeting.

(4) Public Testimony.

No member of the public present asked to speak to the Committee.

(5) Review of Distributed Materials and Other Information.

○ PD 3201 concerning disbanding a candidate's committee.⁴ Staff explained that this draft is a revision of SB 311-2005 discussed by Senator Antich-Carr at the Committee's August meeting. Staff identified the differences between the draft and SB 311 as follows: As requested by Senator Antich-Carr at the Committee's August meeting, the draft has been expanded to cover dissolution of a candidate's committee when the candidate becomes ineligible to seek or hold a public office after the candidate is convicted of certain crimes. The draft permits a candidate's committee to include as part of its statement of organization instructions regarding the disposition of the committee's funds if the committee is dissolved upon the candidate's death or inability to seek or serve in a public office. The instructions must provide for disposition of the committee's funds in a manner that is permitted as when a committee is voluntarily dissolved.

The draft requires the chairman or treasurer of a candidate's committee to dissolve the committee not later than one hundred twenty days after the candidate's

4. PD 3201 is Exhibit #2 to these Minutes.

death or the candidate becomes ineligible to hold or seek a public office. If the candidate's committee has not been dissolved within the required period of time, the Election Commission or the appropriate county election board is required to dissolve the committee. The draft also requires payment of the candidate's committee's debts and any campaign finance penalties before funds may be paid as directed by instructions filed with the candidate's committee's statement of organization. The draft requires that a committee's surplus funds be paid either to the state campaign finance enforcement account or the appropriate county campaign finance enforcement account if the candidate has not filed instructions for disposition of the funds.

The draft requires notification of the Election Commission or the appropriate county election board when an officeholder dies so that dissolution of the officeholder's candidate's committee is accomplished. Finally, the draft includes a Noncode provision to require dissolutions of candidates' committees of candidates who have died or who have become ineligible to hold or seek public office before July 1, 2006.

- PD 3040 concerning casting a provisional ballot by a challenged voter.⁵ Staff explained that this draft was not changed from the previous meeting. The Chair directed staff to distribute information from the Association of County Clerks showing the number of provisional ballots cast in certain Indiana counties at the 2004 general election.⁶

- PD 3045 concerning voter registration.⁷ Staff explained that this draft was not changed from the previous meeting.

- PD 3054 concerning precinct boundary changes.⁸ Staff explained that this draft represents the changes discussed in item #2 of the Co-Directors' August 8 memorandum to Senator Lawson.⁹

- PD 3056 concerning miscellaneous election law changes.¹⁰ Staff explained that this draft represents the changes discussed in item #6 of the Co-Directors' August 8 memorandum to Senator Lawson.

5. PD 3040 is Exhibit #3 to these Minutes.

6. A copy of this document is Exhibit #4 to these Minutes.

7. PD 3045 is Exhibit #5 to these Minutes.

8. PD 3054 is Exhibit #6 to these Minutes.

9. Please see Exhibit #2 to the Minutes of the Committee's August 16 meeting.

10. PD 3056 is Exhibit #7 to these Minutes.

○ PD 3080 concerning technical election law amendments.¹¹ Staff explained that this draft is a revision of PD 3032 discussed at the Committee's September meeting. PD 3080 includes the removal of obsolete dates from Code sections that were not handled by the earlier draft. Staff advised the Committee that Senator Lawson had asked whether the removal of certain dates from IC 3-10-1-31.¹² made a substantive change relating to retention of election materials. Staff suggested removal of this SECTION and related provisions from the draft.

○ PD 3102 concerning certification of election results.¹³ Staff explained that this draft was a revision of PD 3044 discussed at the Committee's September meeting.¹⁴ Two changes were suggested by the Clerk's Association: The first change would alter the deadline for a provisional voter to present proof of identification to the Monday following the election. The other change was the addition of a requirement that counties with a population of more than 100,000 be open for seven hours on the Saturday after the election to permit provisional voters to present proof of identification. Staff explained that the population threshold was arbitrary to illustrate the concept. The Committee could adjust that number. Staff distributed a chart listing each of the thirty-two largest Indiana counties by population.¹⁵

(6) Other Committee Business.

There was no other business to come before the Committee.

(7) Announcement of Next Meeting Date.

The Chair announced that the Committee's next meeting would be on October 19, beginning at 10:00 a.m. Currently, the Committee is scheduled to meet in the House Chamber, but the meeting may be moved back to Room 233 if there are not many in attendance. The Committee will hear a presentation from representatives of the U.S. Census Bureau. If time permits, the Committee would finish its business before noon. If time did not permit finishing business in the morning, the Committee would recess and return at approximately 1 p.m.

(8) Adjournment.

The Chair adjourned the meeting at 2:40 p.m.

11. PD 3080 is Exhibit #8 to these Minutes.

12. Please see SECTION 58 of PD 3080.

13. PD 3102 is Exhibit #9 to these Minutes.

14. Please see Exhibit #4 to the Minutes of the Committee's September 6 meeting.

15. A copy of this chart is Exhibit #10 to these Minutes.